

**IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD, ILLINOIS**

THADDEUS DOUGLAS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-CV-3081
)	
STEVE BANGERT, in his Individual Capacity,)	
KIN BARNARD, in his Individual Capacity,)	
PAUL HODGES, in his Individual Capacity,)	JURY DEMAND
KAITLYN DOLBEARE, in her Individual Capacity,)	
KELBY RESCINITO, in his Individual Capacity,)	
PATRICK HOLLENSTEINER, in his Individual Capacity,)	
KEVIN PAVON, in his Individual Capacity,)	
KYLE HATCH, in his Individual capacity,)	
and CITY OF QUINCY, a municipal)	
corporation,)	
Defendants.)	

COMPLAINT

NOW COMES Plaintiff, THADDEUS DOUGLAS, by and through his attorney, Sara M. Vig of the law firm Vig Law, P.C., and for his Complaint against Defendants STEVE BANGERT, in his individual capacity, KIN BARNARD, in his individual capacity, PAUL HODGES, in his individual capacity, KAITLYN DOLBEARE, in her individual capacity, KELBY RESCINITO, in his individual capacity, PATRICK HOLLENSTEINER, in his individual capacity, KEVIN PAVON, in his individual capacity, KYLE HATCH, in his Individual capacity, and THE CITY OF QUINCY, a municipal corporation, states as follows:

GENERAL ALLEGATIONS

Preliminary Statement

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983, seeking compensatory and punitive damages, litigation costs and attorneys' fees for a violation of

Plaintiff's rights under the Fourth and Fourteenth Amendment of the Constitution and laws of the United States. Plaintiff also seeks recovery under state tort claims.

2. The above-named and individually sued Defendants are employees and agents of the City of Quincy, over the age of majority, and thus government actors liable for civil rights violations and personal torts.

Jurisdiction and Venue

3. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(3) & (4), which confer original jurisdiction on federal district courts in suits to redress the deprivation of rights, privileges and immunities as stated above. The Court may address the pendent state claims pursuant to 28 U.S.C. § 1367(a).

Identification of the Parties

4. Plaintiff, Thaddeus Douglas, is a resident of Quincy, Illinois.

5. Defendant, City of Quincy, is a municipal corporation existing under the law of the State of Illinois and is a corporate entity capable of suing and being sued.

6. Defendant, Steve Bangert, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

7. Defendant, Kin Barnard, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

8. Defendant, Paul Hodges, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

9. Defendant, Kaitlyn Dolbeare, is a police officer employed by the City of Quincy. She is being sued in her individual capacity.

10. Defendant, Kelby Rescinito, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

11. Defendant, Patrick Hollensteiner, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

12. Defendant, Kevin Pavon, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

13. Defendant, Kyle Hatch, is a police officer employed by the City of Quincy. He is being sued in his individual capacity.

The Incident

14. All actions of the police officers named herein were undertaken willfully and wantonly and with deliberate indifference to Plaintiff's constitutional rights and personal safety, while the officers were in uniform, while the officers were driving marked squad cars, while the officers were on duty, and while the officers acted under color of state law.

15. The individually named Defendants engaged in a course of conduct and plan that intended to deprive Plaintiff of constitutionally protected freedoms.

16. The common plan, and the individual actions that reveal the common plan, constitute tortuous conduct for which Plaintiff should be compensated and for which Defendants should be civilly punished.

17. On or about April 14, 2020, at approximately 7:00 p.m., Defendant officers were dispatched to 14th and Monroe in Quincy, Illinois regarding a suspicious person who was standing in the middle of the street.

18. Upon arrival officers observed Plaintiff.

19. Defendant Bangert engaged Plaintiff in a conversation asking what he was doing outside and in that neighborhood. Plaintiff was responsive to questioning from Defendant Bangert and advised that he was out "walking" and that he was just "going for a walk."

Defendant Bangert confirmed with Plaintiff that he could walk home safely and that he would stay out of the middle of the street.

20. Defendant Bangert detained Plaintiff for almost four minutes. During that time Plaintiff neither approached Defendant Bangert nor ran away from him. While Defendant Bangert was talking to Plaintiff, Defendant Bangert learned that Plaintiff was on parole. For that reason alone, Defendant Bangert determined he would conduct a search of Plaintiff.

21. Plaintiff advised that he did not want to be searched and simply wanted to walk to his home which Defendant Bangert knew to be approximately ten blocks away.

22. Defendants Bangert and Barnard approached Plaintiff. Plaintiff denied having any contraband on him. Notwithstanding Plaintiff's denials, and having no justification for a search other than Plaintiff's parole status, Defendants Bangert and Barnard grabbed Plaintiff's arms.

23. Immediately upon grabbing Plaintiff's arm, Defendant Bangert turned to Defendant Hodges and requested that he "get your little friend out and ready" (or words to that effect), to which Defendant Hodges replied "sure," and turned toward his vehicle to get his canine partner, Cody. At that point, Plaintiff had not run from police, had not threatened or attacked any officers or civilians, and had not admitted to having any contraband on his person.

24. Upon grabbing Plaintiff's arms, Defendant Bangert began threatening Plaintiff with Defendant Hodges' dog, Cody. At this Defendant Bangert pointed to Defendant Hodges' dog and said "You see my little friend? You don't want to fight my friend do you?" (or words to that effect). Plaintiff responded that he did not want to be attacked by the dog. Defendant Bangert proceeded to search Plaintiff's person as Defendant Hodges approached with Cody and continued threatening Plaintiff with the dog.

25. Approximately 7 minutes into the encounter, Plaintiff began pulling away from the officers. Plaintiff did not strike at the officers; he merely attempted to pull away from them. Defendant Bangert attempted to cuff Plaintiff's hand, and Plaintiff pulled his arm away from Defendant Bangert. Defendants Bangert and Barnard then forced Plaintiff to the ground.

26.. Defendant Hodges continued to threaten Plaintiff with the dog, saying "you're going to get bit!" and commanding the dog "watch him," even as Plaintiff lay on the ground with two officers on top of him. Defendant Bangert could be seen kicking Plaintiff in the back.

27. While Plaintiff was pinned down by Defendants Bangert and Barnard, Defendant Bangert tased Plaintiff for the first time. Plaintiff was surprised and angered at being tased because at the time he was tased, he was sitting on the ground with Defendants Bangert and Barnard on him; Plaintiff was not moving. After Defendant Barnard tased Plaintiff, Defendant Hodges gave his dog, Cody, the command to attack Plaintiff.

28. Cody attacked Plaintiff's leg and foot, biting into his shoeless foot and causing Plaintiff to scream and kick in an unsuccessful attempt to free his foot from the dog's bite. Meanwhile, Defendant Bangert tased Plaintiff again.

29. Defendant Hodges permitted Cody to attack Plaintiff for approximately one minute.

30. Defendants Bangert, Barnard, and Hodges, along with a civilian witness, cuff Plaintiff behind his back while he is on the ground. Defendant Bangert tased Plaintiff two or three more times while the cuffs were being applied.

31. At this point, Defendants Hollensteiner, Pavon, Hatch, Dolbeare, and Rescinito arrived on scene and began restraining Plaintiff. Each Defendant officer was aware that Plaintiff has been attacked by Cody and that Plaintiff had been tased multiple times. While Plaintiff is on

the ground, in handcuffs with his foot bleeding from the dog attack, two of the officer Defendants can be seen kicking Plaintiff in the back.

32. While Plaintiff is on the ground with multiple Defendant officers on top of him, Defendant Bangert leaves the pile and begins to search his squad for leg restraints. Defendant Bangert finds a dog leash and indicates they could use this to restrain Plaintiff's legs. Defendant Bangert then tased Plaintiff again.

33. Defendant officers then applied leg restraints. Plaintiff was then laying on the ground, cuffed behind his back, in leg restraints, with multiple officers around and on top of him; nonetheless, Defendant Bangert tased Plaintiff again while Plaintiff was being loaded onto the stretcher, and again after he was on the stretcher.

34. Plaintiff was then restrained onto the stretcher and loaded into the ambulance. Plaintiff began yelling for help. Defendant Bangert, with taser barbs still in Plaintiff, got into the ambulance with Plaintiff. Defendant Bangert tased Plaintiff at least two more times while he was in the ambulance. The EMTs administered what appears to be a sedative. At no point did the EMTs ask that Plaintiff be tased, and at no point did Plaintiff appear to hinder the EMTs in their purpose of restraining and treating him.

35. Plaintiff then began begging for help again, as he could be heard struggling to breathe and repeating "ouch, ouch, ouch."

36. Once at the hospital, Defendant Bangert bragged to the doctors, nurses, and hospital staff that he tased Plaintiff at least nine times.

37. Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch willfully and wantonly, and with deliberate indifference and callous disregard for

Plaintiff's safety, shot Plaintiff with a taser multiple times, kicked him, hit him, and attacked him with a dog causing injury to his heart, leg, and body.

38. As a result of the malicious physical abuse of Plaintiff, the Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, intentionally, willfully and wantonly, and with deliberate indifference and callous disregard of Plaintiff's rights, deprived him of his right to be free from unreasonable seizures and the use of excessive force, all in violation of his rights guaranteed by the Fourth Amendment of the Constitution of the United States and 42 U.S.C. §1983.

39. As a direct and proximate result of the use of excessive force upon him by Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, and intentional, willful and wanton, and deliberate indifference to the Plaintiff's constitutional and statutory rights, Plaintiff was brutally assaulted, attacked, and battered, whereby Plaintiff suffered wounds, medical expenses, lost wages, substantial pain and suffering, and humiliation.

COUNT I

(42 U.S.C. §1983 – Excessive Force)

For his first cause of action against Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, states as follows:

1-39. Paragraphs 1 through 39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

40. The conduct of Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch constituted excessive force and an unconstitutional abridgement of Plaintiff's right to be free from unreasonable seizures and the use of excessive force as secured by the Fourth Amendment to the United States Constitution and 42 U.S.C. §1983.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial,
- B. Declare that the individual Defendants' actions were violative of Plaintiff's civil rights for the reasons set forth herein;
- C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;
- D. Award compensatory damages in an amount to be determined at trial;
- E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;
- F. Award Plaintiff the costs of litigation, including reasonable attorney's fees and expenses pursuant to 42 U.S.C. §1983; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- G. Grant such and other further relief as this Court deems necessary and proper.

COUNT II

(42 U.S.C. §1983 – Failure to Intervene)

For his Second cause of action against Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, states as follows:

1-39. Paragraphs 1 through 39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

41. As described more fully above, one or more Defendants had a reasonable opportunity to prevent the violations of Plaintiff's constitutional rights as set forth above had they been so inclined, but failed to do so.

42. Defendants' actions were undertaken intentionally, with malice and reckless indifference to Plaintiff's rights.

43. As a direct and proximate result of the misconduct described in this Count, Plaintiff's rights were violated and he suffered injuries, including but not limited to physical injuries and emotional distress.

44. Plaintiff's injuries were caused by employees of the City of Quincy and including, but not limited to the individually named Defendants, who acted pursuant to the policies and practices of the City of Quincy as described in the preceding paragraphs.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial,
- B. Declare that the individual Defendants' actions were violative of Plaintiff's civil rights for the reasons set forth herein;
- C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;
- D. Award compensatory damages in an amount to be determined at trial;
- E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;
- F. Award Plaintiff the costs of litigation, including reasonable attorney's fees and expenses pursuant to 42 U.S.C. §1983; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- G. Grant such and other further relief as this Court deems necessary and proper.

COUNT III

(Willful and Wanton Conduct: State Law)

For his Third cause of action against Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, states as follows:

1-39. Paragraphs 1 through 39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

45. The conduct of Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch was willful and wanton and constituted the tort of battery upon the Plaintiff without cause or provocation upon the part of Plaintiff.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial,
- B. Declare that the individual Defendants' actions were violative of Plaintiff's civil rights for the reasons set forth herein;
- C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;
- D. Award compensatory damages in an amount to be determined at trial;
- E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;
- F. Award Plaintiff the costs of litigation, including reasonable attorney's fees and expenses pursuant to 42 U.S.C. §1983; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- G. Grant such and other further relief as this Court deems necessary and proper.

COUNT IV

(Intentional Infliction of Emotional Distress: State Law)

For his Fourth cause of action against Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, states as follows:

1-39. Paragraphs 1 through 39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

46. In the manner described more fully above, the Defendants engaged in extreme and outrageous conduct.

47. Defendants' actions set forth above were rooted in the abuse of power and authority.

48. Defendants' actions set forth above were undertaken with intent or knowledge that there was a high probability that the conduct would inflict severe emotional distress and with reckless disregard of that probability.

49. Defendants' actions set forth above were undertaken with malice, willfulness, and reckless indifference to the rights of others.

50. As a direct and proximate result of this misconduct, Plaintiff suffered injuries including, but not limited to, physical injuries and severe emotional distress.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial,
- B. Declare that the individual Defendants' actions were violative of Plaintiff's civil rights for the reasons set forth herein;
- C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;

- D. Award compensatory damages in an amount to be determined at trial;
- E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;
- F. Award Plaintiff the costs of litigation, including reasonable attorney's fees and expenses pursuant to 42 U.S.C. §1983; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- G. Grant such and other further relief as this Court deems necessary and proper.

COUNT V

(Respondeat Superior)

For his Fifth cause of action against Defendants City of Quincy, states as follows:

1-39. Paragraphs 1 through 39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

51. Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch were at all times relevant to this action employees and agents of Defendant City of Quincy. Each of the above-named Defendants was acting within the scope of his employment when he engaged in the actions described in this complaint. Therefore, all of the individual defendants' tortious acts and omissions are directly chargeable to the City of Quincy pursuant to respondeat superior.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial,
- B. Declare that the individual Defendants' actions were violative of Plaintiff's civil rights for the reasons set forth herein;

- C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;
- D. Award compensatory damages in an amount to be determined at trial;
- E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;
- F. Award Plaintiff the costs of litigation, including reasonable attorney's fees and expenses pursuant to 42 U.S.C. §1983; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- G. Grant such and other further relief as this Court deems necessary and proper.

COUNT VI

(Indemnification—State Law)

For his Sixth cause of action against Defendants City of Quincy, states as follows:

1-39. Paragraphs 1 through 39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

52. Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, acted in their official capacity as employees of the Defendant, City of Quincy, when engaged in each of the willful and wanton actions set forth herein.

53. Defendants Bangert, Barnard, Hodges, Dolbeare, Rescinito, Hollensteiner, Pavon, and Hatch, acted within the course of their employment and in furtherance of the business of Defendant, City of Quincy, when engaged in all of the willful and wanton actions set forth herein.

54. Section 9-102 of the Local Government Tort Immunity Act provides that a local public entity must pay any tort judgment or settlement for compensatory damages which it or an employee, while acting within the scope of his employment, is liable. (745 ILCS 10/9-101).

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial,
- B. Declare that the individual Defendants' actions were violative of Plaintiff's civil rights for the reasons set forth herein;
- C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;
- D. Award compensatory damages in an amount to be determined at trial;
- E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;
- F. Award Plaintiff the costs of litigation, including reasonable attorney's fees and expenses pursuant to 42 U.S.C. §1983; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- G. Grant such and other further relief as this Court deems necessary and proper.

COUNT VII

(Medical Expenses: State Law)

For his Seventh cause of action and against Defendant City of Quincy, Plaintiff states as follows:

1-39. Paragraphs 1-39 of the General Allegations of this Complaint are incorporated herein by reference, the same as though pleaded in full.

55. Section 3-15016 of the Counties Code provides that an arresting authority shall be responsible for any incurred medical expenses relating to the arrestee until such times as the arrestee is placed in the custody of the sheriff. (55 ILCS 5/3-15016).

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial;

B. Declare that the individual Defendants' actions were violative of Plaintiffs civil rights for the reasons set forth herein;

C. Declare that the individual Defendants' actions were tortious for the reasons set forth herein;

D. Award compensatory damages in an amount to be determined at trial;

E. Award punitive damages in the amount the jury finds proper, assessing the same against the individual Defendants in a joint and several order;

F. Award Plaintiff the costs of litigation, including reasonable attorneys' fees and expenses pursuant to 42 U.S.C. § 1988; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and

G. Grant any other such and further relief as the Court deems necessary and proper.

COUNT VIII

(42 U.S.C. §1983 – Monell Liability)

For his Eight cause of action against Defendant City of Quincy, Plaintiff states as follows:

1-50. Paragraphs 1-50 of this Complaint are incorporated herein by reference, the same as though pleaded in full.

51. The City of Quincy is responsible for establishing and maintaining the police department for the City of Quincy.

52. That the City of Quincy and the Police Chief had final policymaking authority with regard to establishing written policies and training programs governing the conduct of Quincy Police Officers.

53. That the written policies and training established and/or approved by the City of Quincy and the Police Chief were the moving force behind and caused the Plaintiff's injuries.

54. That the Defendant City of Quincy had knowledge of its own policies, practices, and patterns and had knowledge that the same gave rise to a risk of violations of citizens' federal constitutional rights.

55. That the Defendant City of Quincy made a deliberate and/or conscious decision to disregard the known risk of harm that would result from Quincy Police Department's unconstitutional patterns and practices and was deliberately indifferent to and/or tacitly authorized the same.

56. That on or prior to April 14, 2020, the Defendant City, with deliberate indifference to the rights of arrestees, detainees, and the like, tolerated, permitted, failed to correct, promoted, or ratified a number of customs, patterns, or practices that failed to provide for the safety of arrestees, detainees, and the like during arrest, including but not limited to the handcuffing, use of taser, use of dog, and restraint process.

57. That on or prior to April 14, 2020, the Defendant City, with deliberate indifference to the rights of arrestees, detainees, and the like, tolerated, permitted, failed to correct, promoted, or ratified a number of customs, patterns, or practices that condoned and required officers to turn a blind eye to and not intervene with the use of excessive force by Quincy Police Officers.

58. That on or prior to April 14, 2020, the City of Quincy, with deliberate indifference to the rights of arrestees, detainees, and the like, tolerated, permitted, failed to correct, promoted, fostered or ratified a number of customs, patterns, or practices that shall be further identified in discovery.

59. That on or prior to April 14, 2020, Defendant City, with deliberate indifference to the rights of arrestees, detainees, and the like, tolerated, permitted, failed to correct, promoted, or ratified its agents, providing improper and harmful training to officers.

60. That the unconstitutional policies, practices, and customs defined herein were the moving force behind Plaintiff's injuries.

61. That Plaintiff was injured as a direct and proximate result of the acts and omissions by the City.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial;
- B. Declare that the Defendant's actions were violative of Plaintiffs civil rights for the reasons set forth herein;
- C. Declare that the Defendant's actions were tortious for the reasons set forth herein;
- D. Award compensatory damages and special damages in an amount to be determined at trial;
- E. Award Plaintiff the costs of litigation, including reasonable attorneys' fees and expenses pursuant to 42 U.S.C. § 1988; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and
- F. Grant such other and further relief as the Court deems necessary and proper.

COUNT IX

(42 U.S.C. §1983 – Canton Liability)

For his Ninth cause of action against Defendant City of Quincy, Plaintiff states as follows:

1-61. Paragraphs 1-61 of this Complaint are incorporated herein by reference, the same as though pleaded in full.

62. Defendant City failed to properly train or modify its training to Defendant officers and its other officers, including but not limited to, matters related to the reasonable and appropriate use of force during such arrests, and intervention into the excessive use of force by fellow officers.

63. Effectuating an arrest, using force to effectuate an arrest, and intervening in the use of force is a usual and recurring situation which Quincy law enforcement officers and other agents encounter on a regular basis.

64. As such, Quincy was aware of a need for more and different training. Quincy specifically knew that its officers needed training regarding the handcuffing, use of tasers, arrest, and restraint process and was required to provide its officers with such training.

65. With deliberate indifference to the rights of citizens, Defendant City failed to provide adequate training to its officers regarding handcuffing, use of tasers, arrest, use of canines, and restraint process.

66. Defendant City was aware that deprivation of the constitutional rights of citizens was likely to result from its lack of training and the failure to modify its training.

67. As such, Defendant City was deliberately indifferent and exhibited reckless disregard with respect to the potential violation of constitutional rights.

68. The failure to train and/or to modify training was behind the acts and omissions the Defendant officers made toward Plaintiff.

69. As a direct and proximate result of the Defendant City's acts and omissions, Plaintiff suffered injuries and experienced pain and suffering.

70. As a direct and proximate result of the acts and omissions described herein, Plaintiff suffered compensatory and special damages as defined under federal common law and in an amount to be determined by jury.

71. Plaintiff is entitled to recovery of costs, including reasonable attorneys' fees, under 42 U.S.C. §1988.

WHEREFORE, Plaintiff prays that the Court:

- A. Assume jurisdiction over this action and set it down for jury trial;
- B. Declare that the Defendant's actions were violative of Plaintiffs civil rights for the reasons set forth herein;
- C. Declare that the Defendant's actions were tortious for the reasons set forth herein;

D. Award compensatory damages and special damages in an amount to be determined at trial;

E. Award Plaintiff the costs of litigation, including reasonable attorneys' fees and expenses pursuant to 42 U.S.C. § 1988; and other fee shifting, indemnification statutes or direct liability for medical expenses statutes; and

F. Grant any other such and further relief as the Court deems necessary and proper.

JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,

THADDEUS DOUGLAS, Plaintiff

/s Sara M. Vig

Sara M. Vig, Attorney for Plaintiff

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